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April 29, 1983

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Mr. William R. Finch, Director
Centralized Data Processing Department
Hazen Drive
Concord, New Hampshire 03301

Re: State Prison Correctional Industries
Data Processing Services

Dear Mr. Finch:

This is in response to your January 18, 1983 request for advice concerning the authority of the State Prison to offer data processing services through the Office of Correctional Industries. Specifically, you asked whether such services posted a conflict with the requirements of RSA Ch. 8-C, which establishes the Department of Centralized Data Processing. In general, it is our opinion that computer services may be offered through the Correctional Industries program without violating the provisions of RSA Ch. 8-C.

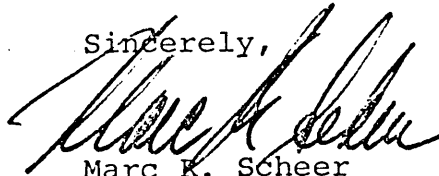
Generally, RSA Ch. 8-C was enacted to provide for the establishment and operation of the Department of Centralized Data Processing (CDP) to serve other departments and agencies of the State. See RSA 8-C:1, I. Under this statute, the CDP was given the authority to establish automatic data processing procedures and facilities for the State, to administer state data processing centers, to establish standards for the choice of data processing equipment and governing data processing work, and to give prior approval to any rentals, purchases and programming costs for data processing work performed at various state agencies. See RSA 8-C:1, II. Also, the legislature in 1981 provided that state agencies could not enter into contracts for outside computer services without first obtaining CDP's



approval. Laws 1981, Ch. 568:83. Although these statutes indicate a legislative intent that CDP coordinate and supervise the provision of computer services to state government, they do not preclude other state agencies from providing their own computer services or obtaining computer services from other sources as long as CDP has approved the provision or acquisition of these services.

Pursuant to RSA 622:5, VI, the trustees of the New Hampshire State Prison have broad authority to organize, conduct, and manage such industries as will be of benefit to both the prisoners and the Prison. RSA 622:26, et seq. provide specific authority for the Prison to establish a prison industries program whose goods and services are available for purchase by other agencies of the State. Additionally, RSA 622:28 provides that state agencies may not acquire products on the open market when they can be obtained from the Prison industries program. Accordingly, the Prison has the authority to authorize a computer services program for the benefit of the prisoners as part of the Prison industries program, and such computer services can be obtained by other agencies of the State in the event that the cost of these services is less than their cost on the open market. If the equipment and services which comprise the Prison program meet the standards established by CDP pursuant to RSA 8-C:1, II, then they may lawfully be provided to other agencies without conflicting with the provisions of RSA Ch. 8-C. Furthermore, to the extent that the Prison program requires services of outside computer providers, the Prison may, with CDP's prior approval, obtain these services. For example, the Prison may with CDP's approval, enter into contracts with outside computer providers for the maintenance of this equipment. These agreements may be entered into consistent with RSA Ch. 8-C and Laws 1981, 568:83.

Sincerely,



Marc K. Scheer
Assistant Attorney General
Division of Legal Counsel

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